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2015 AUG 12 PM 1:55

August 11, 2015

Federal Election Commission
Office of Complaints Examination and Legal Administration
Attn: Kim Collins, Paralegal
999 E Street, NW
Washington, DC 20046

FEDERAL ELECTION
COMMISSION
2015 AUG 13 AM 10:23
OFFICE OF COMPLAINTS
EXAMINATION

Re: Response to allegations in MUR 6949 and MUR 6951

Dear Federal Election Commission:

My firm represents Russell "Russ" Ramsland and Ramsland Exploration Committee¹ in MUR 6949 and MUR 6951. My client received both matters on July 27, 2015 after returning from a family vacation and immediately contacted the firm to represent him against the false allegations that have been made by Mr. Broadway and Mrs. Malone. The allegations are false because Mr. Ramsland, while he is exploring a run for federal public office, is not now, nor has he ever been, a candidate and has not met any of the triggers which would require his compliance with the Federal Election Campaign Act of 1971, as amended (the "Act"). Accordingly, MUR 6949 and MUR 6951 should be dismissed with no further action being taken by the Federal Election Commission (the "Commission").

Mr. Ramsland is not a candidate because he is not currently seeking nomination for election, or election, to Federal office. See 52 USC 30101(2). Mr. Ramsland cannot be deemed to be seeking the nomination for election, or election because, while he has received donations and made some financial outlays, he has not received "contributions" aggregating in excess of \$5,000 or has made "expenditures" aggregating in excess of \$5,000. 52 USC 30101(2)(A). He has also never given his consent to another person to receive "contributions" or make "expenditures" on his behalf. 52 USC 30101(2)(B). Mr. Ramsland is merely "testing the waters" to determine whether he should run for Federal office. See 11 CFR 100.72; 100.131.

As the Commission has made clear, Mr. Ramsland is allowed to receive funds and make expenditures for the purpose of determining whether he should become a candidate for Federal office so long as he does not engage in any of the activities that would make those funds

¹ Ramsland Exploration Committee is not a political committee as defined by 52 USC 30101(4). It is merely a name that Mr. Ramsland has registered with the Internal Revenue Service to obtain an EIN number for purposes of opening a bank account to manage donations and expense associated with his exploration to determine if he should become a candidate for Federal office.

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"contribution" or "expenditure." 11 CFR 100.72 and 11 CFR 100.131. Mr. Ramsland has kept records of all donations that he has received and expenses he has paid in accordance with 11 CFR 101.3.

Mr. Ramsland has been meticulous in his effort not to engage in any activity indicating that he has decided to become a candidate for a particular office or activities relevant to conducting a campaign. First, Mr. Ramsland has not used general public political advertising to publicize an intention to campaign for Federal office. In fact, the website www.ramslandexploration.com, copies of which are attached to the complaints in both MUR 6949 and MUR 6951, a Facebook page, two YouTube videos, an appearance as an invited guest on the Glenn Beck radio program, and electronic mail messages are the only publicly available material that even discusses Mr. Ramsland or his testing the water activities.

Second, Mr. Ramsland has not raised funds in excess of what he reasonably needs to thoroughly explore a run for Federal office and is not merely amassing campaign funds to be spent after he is a candidate. Mr. Ramsland has received less than the \$200,000 alleged by Mrs. Malone in MUR 6951. He has expended funds to create a website, host receptions to discuss issues, and have professional videos made for inclusion on the website. Going forward, Mr. Ramsland plans to host additional events, conduct polling, engage in travel and hire professional consultants to advise as to the feasibility of a potential campaign, all of which fall squarely within the types of expenditures identified by the Commission as acceptable for a testing the waters effort.

Recognizing that the last successful congressional candidate in his area raised approximately \$2,514,292 and spent roughly \$2,529,656, one would be hard-pressed to show that the meager sum Mr. Ramsland has received is anywhere near an amassing of funds necessary to run such a campaign. Clearly, Mr. Ramsland is just using donations as one of the facts to gauge the level of interest the public has in him seeking Federal office.

Third, Mr. Ramsland has not made nor authorized any written or oral statements that refer to him as a candidate for a particular office. In fact, the website cited by both complainants in MUR 6949 and MUR 6951 clearly states that "...Russell is not a candidate for any public office, nor has he decided to become a candidate." Furthermore, and without addressing the hearsay problems with the alleged email that is missing both sender and recipient information which Mr. Broadway attached to MUR 6949, Mr. Ramsland has not authorized anyone to send emails on his behalf referring to him as a candidate or identifying him as a candidate for a particular office.

Next, Mr. Ramsland has not conducted his exploration efforts in close proximity to an election or for any protracted period of time. The closest election that would have a Federal office on the ballot would be the general primary election. The next general primary election in Texas is over eight months away on Tuesday, March 1, 2016. TEX. ELEC. CODE § 41.007(a).

There is no evidence that Mr. Ramsland has been engaged in his exploratory effort for a protracted period of time. In fact, the evidence submitted by Mr. Broadway in MUR 6949 – an alleged email dated June 26, 2015 – weighs heavily against a protracted exploration and shows there is a nascent public awareness of an exploratory effort that is in its infancy.

Finally, Mr. Ramsland has taken no action to qualify for the ballot under Texas law. Specifically, he has not completed and filed an application for a place on the ballot with either party, nor paid the application fee or collected petition signatures in lieu of an application fee. See TEX. ELEC. CODE Ch. 141.

As the Commission has stated “[a]n individual who merely tests the waters, but does not campaign for office, does not have to register or report as a candidate.”² In both MUR 6949 and MUR 6951 there are no facts alleged nor evidence presented that show Mr. Ramsland has taken any steps to become a candidate for Federal office which would require him to register and report under the Act. On the contrary, the documentary evidence shows that Mr. Ramsland has cautiously decided to test the waters for a run for Federal office, mindful of the recordkeeping requirements and contribution limits that would be in place were he to declare.

In support of the forgoing arguments I have included two affidavits, one for each MUR, signed by Mr. Ramsland attesting to the facts as they have been laid out within this letter. Accordingly, MUR 6949 and MUR 6951 should immediately be dismissed without any further action being taken by the Commission. Mr. Ramsland is clearly testing the waters and any registration and disclosure necessary, should he become a candidate will happen in due course should he declare for a Federal office.

Sincerely yours,


James E. "Trey" Trainor III

JET/pn
Enclosures

² http://www.fec.gov/press/bkgnd/pres_cf/exploratory.html, last visited August 4, 2015.

State of Texas §
 §
County of Dallas §

FEDERAL ELECTION
COMMISSION

2015 AUG 13 AM 10:29

OFFICE OF GENERAL
COUNSEL

Affidavit of Russell Ramsland in MUR 6949

Before me, the undersigned authority, personally appeared Russell Ramsland and being duly sworn deposes and says:

1. "My name is Russell Ramsland. I am over 18 years of age and capable of making this affidavit.
2. I am the Russell Ramsland who is the respondent in MUR 6949 before the Federal Election Commission.
3. I am the sole individual responsible for creating Ramsland Exploration Committee.
4. I am not now, and have never been, a candidate for Federal office.
5. I am testing the waters for a potential run for Federal office.
6. I have received less than \$225,000 in donations in my testing the waters effort. For each of the donations I have received I have put the funds into a separate account from my personal bank account and recorded the name, address, telephone number, employer and occupation for each donor. I have only accepted donations from individuals and I have ensured that no donation exceeds the Federal limit of \$2,700 per individual, per election.
7. I have made expenditures in my testing the waters effort for a website, a few meet and greet events, and for professional videography to include on my website.
8. I have not bought or authorized any political advertising to publicize an intention to campaign for Federal office.
9. I have not made or authorized any written or oral statements referring to myself as a candidate.
10. I have not undertaken any effort to qualify for a place on the ballot in Texas.
11. I have only just recently begun my efforts to explore a run for Federal office. Should I decide to become a candidate for Federal office I intend to designate a committee and fully comply with the Federal Election Campaign Act of 1971, as amended.

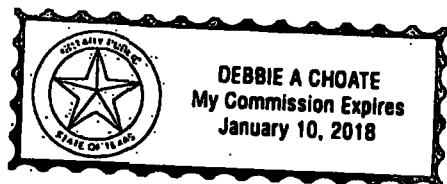
12. I have read the complaint of Mr. Broadway and believe it to be fully false and a tactic to discourage me from becoming a candidate for Federal office.

13. I am not the author or disseminator of the e-mail included in Mr. Broadway's complaint."

Further affiant saith not.


Russell Ramsland

Sworn to and subscribed before me this 10th day of August 2015.




Notary Public